

February 27, 2026

Esteemed Chairs Wood and Cabrera,  
Members of the Insurance and Real Estate Committee:

Dear Chairs and Members of the Committee:

The Western Connecticut Council of Governments (WestCOG) writes in **support** of Section 2 of Raised Bill 5376, *An Act Concerning Real Estate*. We take no position on Section 1 of the bill.

Section 2 addresses a structural gap in Connecticut's regulatory framework that has emerged with the increased use of off-site, modular, and proprietary construction systems in housing, particularly under CGS §8-30g. The amendment does not alter substantive housing policy; rather, it ensures that life-safety compliance is professionally certified before zoning approval and construction activity create downstream risk. In doing so, it strengthens process integrity without weakening housing production.

## **I. HOW CONNECTICUT'S DEVELOPMENT SYSTEM IS STRUCTURED**

Connecticut divides responsibility for development approval into two distinct systems:

1. Zoning approval — a local function addressing land use, density, setbacks, and site design.
2. Building code enforcement — state law (the State Building Code and Fire Safety Code), administered locally by building officials.

These functions are handled by separate departments and occur sequentially. Zoning approval comes first; building permit review and code enforcement occur afterward. That sequencing works well when a structure is designed locally and constructed on-site, because building officials can inspect the work progressively as construction proceeds. However, the system does not work as well effectively when the structure itself is manufactured off-site, sometimes out-of-state, using proprietary systems and alternative engineered assemblies.

## **II. THE OFF-SITE MANUFACTURING GAP**

When housing is manufactured off-site:

- Local building officials cannot inspect the production process.
- They cannot observe intermediate stages of assembly.
- They may not encounter the completed system until after zoning approval has already been granted.
- Code compliance conflicts may only become apparent once construction has begun.

We are, in effect, regulating a manufactured product using a regulatory framework designed for site-built construction. That mismatch creates predictable instability.

Zoning commissions operate under prescribed authority, with strict timelines, and, in the case of §8-30g, substantial evidentiary burdens. They are not empowered to enforce the State Building or Fire Safety Code nor to deny an application based on anticipated state code conflicts.

Under current law, a commission also cannot deny an application based on state code violations encountered in another municipality. Even when a substantially similar design has resulted in stop-work orders elsewhere, the commission is legally precluded from acting on that information. The process must repeat itself — municipality by municipality. In practical terms, the same “assembly line” can continue operating across multiple communities without early, professional certification that the product complies with state life-safety standards. The result can be this sequence:

- Zoning approval is granted.
- Construction begins.
- Significant building or fire code deficiencies are later identified.
- Stop-work orders are issued.
- Litigation follows.
- Projects stall mid-construction.

This is not theoretical. In Connecticut, recent projects approved under §8-30g have proceeded to construction only for serious life-safety and code compliance concerns to be identified mid-stream. The Office of the State Building Inspector and Office of the State Fire Marshal have documented foundational compliance issues that have halted construction. Legal disputes have followed. These disruptions harm municipalities, developers, lenders, and ultimately the residents the housing is intended to serve. They are largely avoidable with earlier professional certification.

### III. THE PRODUCT SAFETY ANALOGY

The structural issue can be understood through a simple product-safety analogy.

Imagine if cars were manufactured on an assembly line without inspection of the production process and without verification of safety compliance before release. The only inspection occurred when the owner brought the car to the DMV to register it. And imagine there were no mechanism to halt production if systemic safety defects were discovered.

Such a system would be irrational. Yet that is effectively what can occur when modular housing is manufactured off-site and zoning approval precedes professional life-safety certification.

Section 2 does not change the building code, nor does it prohibit modular housing. It simply requires that when a housing proposal relies on nonstandard, prefabricated, or proprietary construction assemblies, the applicant submit a preliminary life-safety report prepared by a licensed professional engineer or fire protection engineer certifying that the design complies with the State Building Code and State Fire Safety Code without modification.

In short, it ensures that the “assembly line” is certified before the product is released.

#### IV. WHY THIS PROTECTS AFFORDABLE HOUSING AND 8-30G

Affordable housing projects are especially sensitive to delay and uncertainty. When construction halts mid-stream due to unresolved life-safety issues:

- Financing can be jeopardized.
- Public trust erodes.
- Municipal confidence declines.
- Housing production slows.
- Litigation increases.

Section 2 of the bill supports the actual completion of affordable housing projects by ensuring that life-safety compliance is addressed at the appropriate point in the process, reducing downstream instability. Without early certification, outcomes vary based on the capacity and experience of individual local building departments, leading to inconsistent statewide application of the state codes. That inconsistency benefits no one. This section promotes uniformity, predictability, and public confidence.

#### V. A NARROW GOVERNANCE FIX

Section 2 is a measured structural fix that aligns Connecticut's regulatory process with the realities of modern off-site construction. It ensures that professional life-safety certification occurs at the appropriate point in the approval process — before construction risk is created and before avoidable disruption occurs.

Connecticut needs housing starts, not false starts.

By restoring coherent sequencing between zoning approval, code compliance, and construction, this proposal protects municipalities, developers, lenders, and future residents alike while preserving innovation and affordable housing production.

For these reasons, WestCOG respectfully urges passage of Section 2.

Thank you for your consideration.

Sincerely,



Francis R. Pickering  
Executive Director